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House of Pancakes, LLC*

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

TRACI L. MARTIN and VICKIE A. HOOD,  
  
Plaintiff,  
  
vs.

INTERNATIONAL HOUSE OF PANCAKES,  
LLC, a foreign Limited Liability Company;  
FARSHAD ASHOORI, an individual,  
RAINBOW 1606, INC., a Nevada corporation,  
doing business as IHOP; DOES I through X  
inclusive, and ROES CORPORATIONS XI  
through XX, inclusive,

Defendants.

Case No. 2:16-cv-02097-JCM-VCF

ORDER GRANTING

**DEFENDANT INTERNATIONAL HOUSE  
OF PANCAKES, LLC'S MOTION FOR  
IHOP'S REPRESENTATIVE TO APPEAR  
AT THE EARLY NEUTRAL  
EVALUATION BY TELEPHONE**

Defendant International House of Pancakes, LLC ("IHOP"), by and through its attorneys, hereby submits its motion for leave to allow the IHOP Corporate Representative to appear at the Early Neutral Evaluation ("ENE") by telephone. For the reasons set forth below, the Court should grant IHOP's motion.

1. The Court has set the ENE for December 20, 2016.

2. IHOP will submit its statement in advance of the ENE. P. Swenson Prior, IHOP's counsel, will appear in person.

3. Because IHOP is indemnified by Defendants Farshad Ashoori and Rainbow 1606, Inc., and for the reasons on the merits set forth below in Paragraphs 4, 5, and 6, IHOP is not inclined to make any payment to resolve this matter. As such, and so as to not waste the Court's time and resources and to enable the Court to focus on the true parties at issue--namely Ashoori,

1 Rainbow 1606, and Plaintiff, IHOP respectfully requests that the Court excuse its corporate  
2 representative from appearing in person at the ENE. IHOP's representative will be available by  
3 telephone. IHOP believes that if this matter can be resolved at the ENE, it can be done so more  
4 effectively between Plaintiff and Defendants Ashoori and Rainbow 1606.

5 4. IHOP makes this request in good faith, and not to cause any undue difficulty or  
6 delay. Indeed, counsel for Plaintiff and Defendants Ashoori and Rainbow 1606 have had  
7 discussions regarding various issues, including procedural and substantive issues. For example,  
8 the Defendants discussed the various indemnification and franchise agreement and also issues  
9 regarding joint representation questions. These discussions contributed to the delay in filing this  
10 motion as it was unclear, until recently, whether this motion would be needed.

11 5. There is also no prejudice for filing this motion now, as the ENE is scheduled for  
12 December 20, 2016 and the counsel for Plaintiff and Defendants Ashoori and Rainbow 1606 have  
13 stated that they do not have any objection to allowing IHOP's corporate representative to appear  
14 at the Early Neutral Evaluation by telephone.

15 6. Counsel for IHOP has also conducted telephone conferences with Counsel for  
16 Plaintiff, who has indicated that at this time, Plaintiff is not seeking any contribution from IHOP  
17 for any settlement that may be reached at the ENE.

18 WHEREFORE, IHOP respectfully requests that the Court grant this motion and allow  
19 IHOP's corporate representative to appear at the ENE by telephone.

20 DATED: November 16, 2016.

21  
22 IT IS SO ORDERED.

23 Dated: December 2, 2016

24  
25   
26 Nancy J. Koppe  
27 United States Magistrate Judge  
28

Respectfully submitted,

SNELL & WILMER L.L.P.

/s/ Paul Swenson Prior

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